

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BETANCOURT PROPERTIES MANAGEMENT
CORP. and RENEWAL ARTS REALTY CORP.,

CASE NO. 07-cv-11047 (TPG)

Plaintiffs,

-against-

SIMPLEX GRINNELL LP a/k/a and/or d/b/a
SIMPLEX GRINNELL or TYCO/FIRE &
SECURITY/SIMPLEXGRINNELL,

Defendants.

x

STATEMENT OF UNDISPUTED MATERIAL FACTS OF RECORD

1. On or about May 30, 2007, Plaintiffs signed a contract with SimplexGrinnell LP to perform certain design-related work at 804 East 138th Street, Bronx, New York. *See* Exhibit B attached to SimplexGrinnell's Memorandum of Law, with accompanying Affidavit of Marion Rivera, at Page 3 of Exhibit B.
2. The contract signed by Plaintiffs and Defendant contains a provision explicitly excluding the recovery of consequential damages in the event of a breach. *See* Exhibit B attached to SimplexGrinnell's Memorandum of Law, with accompanying Affidavit of Marion Rivera, at Page 2, Paragraph 5.
3. Plaintiffs allege no property damage or personal injuries in their Verified Complaint. *See* Exhibit A attached to SimplexGrinnell's Memorandum of Law.

Dated: White Plains, New York
January 11, 2008

Respectfully submitted,

By: 

Michael D. Shalhoub, Esq. (MS-2879)
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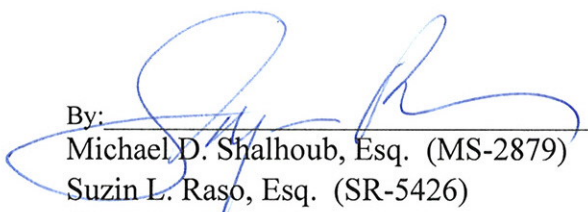
*Attorneys for Defendant
SimplexGrinnell LP.*

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2008 I electronically filed the foregoing Rule 56 Statement of Undisputed Facts with the Clerk of the US District for the Southern District of New York, using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Brian M. Limmer, Esq.
114 Old Country Road
Suite 460
Mineola, New York 11501

In addition, Plaintiff's counsel, Brian M. Limmer, Esq., was mailed a copy of the foregoing Rule 56 Statement of Undisputed Facts via US Mail on this the 11th day of January 2008.

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